IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 976 (S/S) of 2006

Purshotam Sati,
Son of Sri Ghan Shyam Sati,
Resident of Village and P.O. – Kothuli,
District – Chamoli. **……Petitioner**

Versus

1. State of Uttaranchal through its Education Secretary.
2. Education, Director Uttaranchal, Dehradun.
3. District Education Officer, Chamoli.
4. District Magistrate, Chamoli.
5. Principal, Government Inter College, Kothuli, district – Chamoli.

……Respondents

Hon'ble M.M. Ghildiyal, J.

1. Heard Sri M. S. Chauhan, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:

   (a) issue a writ, order or direction in the nature of Certiorari quashing the impugned transfer order dated 06.07.2006 passed by respondent no. 2 and which is Annexed as Annexure no. 5 to the writ petition.

   (b) Issue a writ, order or direction in the nature of Mandamus directing the respondents to function strictly according to their transfer and to take due diligence while making such transfer which are dehors their own policy

(c) *Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstance of the case.*

(d) *Award the costs of the petition to the petitioner.*

3. Petitioner, who claims himself to be resident of Kothuli, District – Chamoli and President of Teachers and Guardian Association of Government Inter College, Kothuli, has challenged the order dated 06.07.2006 passed by Joint Director, Madhyamik School Education, Uttaranchal, Dehradun addressed to Principal, Government Inter College, Kothuli, District – Chamoli to relieve Sri Diler Singh, Lecturer (English) forthwith so that he may join at new place of posting at Government Inter College, Bhagwanpur, Dharkot, District – Dehradun.

4. The submission of the petitioner is that Sri Diler Singh was appointed by the Department as Lecturer (English) vide order dated 10.01.2006 and thereafter, was posted in Government Inter College, Kothuli, District – Chamoli where he has joined his service on 04.02.2006.

5. According to the petitioner, while joining the services Sri Diler Singh has executed a bond to the effect that he will not apply for transfer for three years from the date of his joining of his services and also shall not try to instigate his relatives to make any representation for transfer at least for the period of three years from the date of his joining. Though Sri Diler Singh joined his service as Lecturer (English) on 04.02.2006, however, he has managed for his transfer to the convenient place in the

District – Dehradun. Government Inter College, Kothuli, District – Chamoli comes under the remotest area of Uttaranchal. With great difficulties parents of students of Inter College, Kothuli could convince the educational authorities to send English Lecturer in the Institution as the post was lying vacant for a long time.

6. From the perusal of the record it appears that on 03.07.2006, District Magistrate, Chamoli has also recommended the matter to the State Government for cancellation of transfer order of Sri Diler Singh and Sri Chait Singh Bhandari.

7. Petitioner has claimed that he is the President of Teachers and Guardian Association, however, no proof to this effect has been filed by the petitioner. He has no *locus standi* to file the writ petition. But at the same time the court could not ignore the fact that Sri Diler Singh, who was appointed in the remote institution in the month of February, 2006 has been transferred by the department to District – Dehradun within a period of about five months. Petitioner has not filed transfer order of Sri Diler Singh and as such, the court is not in a position to know which were the compelling circumstances before the respondents to transfer Sri Diler Singh from Government Inter College, Kothuli, District – Chamoli to Government Inter College, Bhagwanpur, Dharkot, District – Dehradu.

8. Without going into the merit of the case and also in view of the fact that petitioner does not have any *locus standi* to file present writ petition, this court expects from the Director, School Education Uttaranchal, Dehradun to look

into the matter personally and shall pass suitable order. In case, the circumstances was so compelling that transfer of Sri Diler Singh, is necessary then the Department shall ensure appointment of a qualified person to teach English at Government Inter College, Kothuli, District – Chamoli within a period of six weeks from today. Learned standing counsel is directed to send copy of this order to Director of Education, School Education, Uttaranchal, Dehradun.

9. With this direction the writ petition is finally disposed of. No order as costs.

(M.M. Ghildiyal, J)

July 18, 2006
SKSharma